

1678CV00102

Leukhardt, Paullette M vs. Amherst College Corporation and Board of Trustees

CASE TYPE:	Torts	FILE DATE:	09/26/2016
ACTION CODE:	B22	CASE TRACK:	F - Fast Track
DESCRIPTION:	Employment Discrimination		
CASE DISPOSITION DATE	01/06/2017	CASE STATUS:	Closed
CASE DISPOSITION:	Transferred to another Court	STATUS DATE:	01/06/2017
CASE JUDGE:		CASE SESSION:	Civil A

LINKED CASE

DCM TRACK

Tickler Description	Due Date	Completion Date
Service	12/27/2016	01/06/2017
Rule 12/19/20 Served By	01/24/2017	01/06/2017
Answer	01/24/2017	01/06/2017
Rule 15 Served By	01/24/2017	01/06/2017
Status Review	02/06/2017	01/06/2017
Rule 12/19/20 Filed By	02/23/2017	01/06/2017
Rule 15 Filed By	02/23/2017	01/06/2017
Rule 15 Heard By	03/27/2017	01/06/2017
Rule 12/19/20 Heard By	03/27/2017	01/06/2017
Discovery	07/24/2017	01/06/2017
Rule 56 Served By	08/22/2017	01/06/2017
Rule 56 Filed By	09/21/2017	01/06/2017
Final Pre-Trial Conference	01/19/2018	01/06/2017
Judgment	09/26/2018	01/06/2017

PARTIES

Plaintiff

Leukhardt, Paullette M
230 Main Street
Ashfield, MA 01330

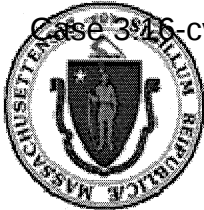
Private Counsel

558861

Richard D Deherdt
Law Office of R. Dave DeHerdt
Law Office of R. Dave DeHerdt
9B State Street
POB 28
Shelburne Falls, MA 01370
Work Phone (413) 376-8000
Added Date: 09/26/2016

A TRUE COPY ATTEST

James K. Fyond
Clerk of Courts



Docket Report

Defendant Amherst College Corporation and Board of Trustees 104 Converse Hall Amherst, MA 01002	Private Counsel David John Santeusano Holland & Knight Holland & Knight 10 St. James Avenue Boston, MA 02116 Work Phone (617) 854-1490 Added Date: 01/06/2017	641270
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PARTY CHARGES

#	Offense Date/ Charge	Code	Town	Disposition	Disposition Date
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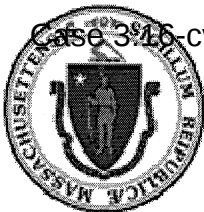
EVENTS

Date	Session	Event	Result	Resulting Judge
06/23/2017	Civil A	Pre-Trial Conference	Canceled	Rup

FINANCIAL SUMMARY

	Fees/Fines/Costs	Assessed	Paid	Dismissed	Balance
Total		280.00	280.00	0.00	0.00

Deposit Account(s) Summary	Received	Applied	Checks Paid	Balance
Total				



INFORMATIONAL DOCKET ENTRIES

Date	Ref	Description	Judge
09/26/2016	1	Civil action cover sheet filed.	
09/26/2016	2	Original civil complaint filed.	
09/26/2016		Demand for jury trial entered.	
09/26/2016		Attorney appearance On this date Richard D Deherdt, Esq. added as Private Counsel for Plaintiff Paullette M. Leukhardt	
09/26/2016		Case assigned to: DCM Track F - Fast Track was added on 09/26/2016	
12/20/2016	3	Summons, returned SERVED	
		Applies To: Amherst College Corporation and Board of Trustees (Defendant)	
01/03/2017	4	Defendant Amherst College Corporation and Board of Trustees's Notice of filing notice of removal.	
01/06/2017		Event Result: The following event: Pre-Trial Conference scheduled for 06/23/2017 02:00 PM has been resulted as follows: Result: Canceled Reason: Transferred to another session	Rup
01/06/2017		Case transferred to another court.	
01/06/2017		Attorney appearance On this date David John Santeusano, Esq. added as Private Counsel for Defendant Amherst College Corporation and Board of Trustees	
01/06/2017		General correspondence regarding mailed certified copy of the file to defendant's attorney.	

(3)

FRANKLIN, ss.

Commonwealth of Massachusetts

TRIAL COURT OF THE COMMONWEALTH
SUPERIOR COURT DEPARTMENT
CIVIL DOCKET NO. 1678CV102Paulette M. Leulcha, et al. PLAINTIFF(S),v. Board of Trustees
Amherst College Corp. DEFENDANT(S)

SUMMONS

THIS SUMMONS IS DIRECTED TO Board of Trustees, Amherst College Corporation (Defendant's Name)

You are being sued. The Plaintiff(s) named above has started a lawsuit against you. A copy of the Plaintiff's Complaint filed against you is attached to this summons and the original complaint has been filed in the Franklin Superior Court.

YOU MUST ACT PROMPTLY TO PROTECT YOUR RIGHTS.

1. **You must respond to this lawsuit in writing within 20 days.** If you do not respond, the court may decide the case against you and award the Plaintiff everything asked for in the complaint. You will also lose the opportunity to tell your side of the story. You must respond to this lawsuit in writing even if you expect to resolve this matter with the Plaintiff. If you need more time to respond, you may request an extension of time in writing from the Court.
2. **How to Respond.** To respond to this lawsuit, you must file a written response with the court and mail a copy to the Plaintiff's Attorney (or the Plaintiff, if unrepresented). You can do this by:
 - a. Filing your **signed original** response with the Clerk's Office for Civil Business, Franklin Superior Court, 101 Munson Street, Greenfield, MA 01301 (address), by mail or in person, AND
 - b. Delivering or mailing a **copy** of your response to the Plaintiff's Attorney/Plaintiff at the following address:
R. Dave DeHerd, 98 STATE ST., POB 28, SHELBORNE FALLS, MA 01370
3. **What to include in your response.** An "Answer" is one type of response to a Complaint. Your Answer must state whether you agree or disagree with the fact(s) alleged in each paragraph of the Complaint. Some defenses, called affirmative defenses, must be stated in your Answer or you may lose your right to use them in court. If you have any claims against the Plaintiff (referred to as **counterclaims**) that are based on the same facts or transaction described in the Complaint, then you must include those claims in your Answer. Otherwise, you may lose your right to sue the Plaintiff about anything related to this lawsuit. If you want to have your case heard by a jury, you must **specifically** request a jury trial in your Answer or in a written demand for a jury trial that you must send to the other side and file with the court no more than 10 days after sending your Answer. You can also respond to a Complaint by filing a "Motion to Dismiss," if you believe that the complaint is legally invalid or legally insufficient. A Motion to Dismiss must be based on one of the legal deficiencies or reasons listed under **Mass. R. Civ. P. 12**. If you are filing a Motion to Dismiss, you must also comply with the filing procedures for "Civil Motions" described in the rules of the Court in which the complaint was filed, available at www.mass.gov/courts/case-legal-res/rules of court.
4. **Legal Assistance.** You may wish to get legal help from a lawyer. If you cannot get legal help, some basic information for people who represent themselves is available at www.mass.gov/courts/selfhelp.
5. **Required information on all filings:** The "civil docket number" appearing at the top of this notice is the case number assigned to this case and must appear on the front of your Answer or Motion to Dismiss. You should refer to yourself as the "Defendant."

Witness Hon. Judith Fabricant, Chief Justice on Dec 15, 2016. (SEAL) **TRUE COPY ATTEST**Susan K. Emond
Clerk of CourtsSusan K. Emond

Clerk of Courts

Note: The number assigned to the Complaint by the Clerk-Magistrate at the beginning of the lawsuit should be indicated on the summons before it is served on the Defendant.

(3)

PROOF OF SERVICE OF PROCESS



Office of the Sheriff

PO Box 684, Northampton, MA 01061 Telephone (413) 585-0618 Hampshire, ss.

I hereby certify and return that on 12/13/2016 at 12:05 PM I served a true and attested copy of the SUMMONS, COMPLAINT, CIVIL ACTION COVER SHEET, CIVIL TRACKING ORDER F in this action in the following manner: To wit, by delivering in hand to DIANNE M. PIERMATTEI, ASSISTANT TO THE SECRETARY OF THE BOARD OF TRUSTEES, WHO ACCEPTED SERVICE ON BEHALF OF THE BOARD OF TRUSTEES, AMHERST COLLEGE CORPORATION at 104 CONVERSE HALL, AMHERST, MA 01002. In the service hereof, it was necessary and I actually used a motor vehicle 22 miles. Fees: Attest \$5.00, Basic Service \$30.00, Conveyance \$3.30, Copies \$2.00, Travel Fees \$8.32 Total \$48.62

Deputy Sheriff GEORGE SYMBORSKI

George Symborski

December 14, 2016



COMMONWEALTH OF MASSACHUSETTS

FRANKLIN, ss.

SUPERIOR COURT DEPARTMENT

PAULLETTE M. LEUKHARDT,

Plaintiff,

v.

AMHERST COLLEGE CORPORATION
AND BOARD OF TRUSTEES,

Defendant.

Civil Action No.: 1678CV00102

2017 JAN -3 AM 11:54

FRANKLIN SUPERIOR
COURT
FILED

NOTICE OF FILING NOTICE OF REMOVAL

Please take notice that on December 30, 2016, defendant Trustees of Amherst College¹ ("Amherst College") filed in the United States District Court for the District of Massachusetts its Notice of Removal of this action to the United States District Court. A copy of the Notice of Removal is attached as Exhibit 1.

Pursuant to 28 U.S.C. § 1446(d), this notice is hereby provided to the Franklin County Superior Court to effect removal. Therefore, Amherst College respectfully requests that this Court proceed no further in this matter.

Respectfully submitted,

TRUSTEES OF AMHERST COLLEGE

By its attorneys,

David J. Santeusanio

David J. Santeusanio (BBO No. 641270)

david.santeusanio@hklaw.com

Katrina N. Chapman (BBO No. 676177)

katrina.chapman@hklaw.com

¹ Plaintiff misnames Defendant as Amherst College Corporation and Board of Trustees. Defendant's correct legal name is Trustees of Amherst College.

TRUE COPY ATTEST
James K. Fmond

Clerk of Courts

HOLLAND & KNIGHT LLP
10 St. James Avenue
Boston, MA 02116
(617) 523-2700

Dated: December 30, 2016

CERTIFICATE OF SERVICE

I certify that on December 30, 2016, I have caused a true and correct copy of the foregoing Notice of Filing Notice of Removal to be served on Plaintiff's counsel: R. Dave DeHerd, Law Office of R. Dave DeHerd, 9B State Street, POB-28, Shelburne Falls MA 01370.

David J. Santusano
David J. Santusano

(Signature)

FRANKLIN SUPERIOR
COURT
FILED

2017 JAN - 3 AM 11: 54

EXHIBIT

1

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

PAULLETTE M. LEUKHARDT,

Plaintiff,

v.

AMHERST COLLEGE CORPORATION
AND BOARD OF TRUSTEES,

Defendant.

Civil Action No.: _____

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, defendant Trustees of Amherst College¹ (“Amherst College”) hereby submits this Notice of Removal of the civil action filed by plaintiff Paullette M. Leukhardt in the Commonwealth of Massachusetts, Franklin County Superior Court. In support of this Notice of Removal, Amherst College states as follows:

1. Plaintiff filed her Complaint against Amherst College on September 26, 2016 in Franklin County Superior Court. The case is captioned *Paullette M. Leukhardt v. Amherst College Corporation and Board of Trustees*, Docket No. 1678CV00102. A true and accurate copy of Plaintiff’s Original Complaint and Civil Action Cover Sheet is attached at Exhibit A. Amherst College was served with process on December 13, 2016. A true and accurate copy of the Summons is attached at Exhibit B.

2. This action is properly removable because this Court has original federal question jurisdiction over this matter pursuant to 28 U.S.C. §1331 based on Plaintiff’s asserted claims for recovery under federal statutes. As such, this case is removable under 28 U.S.C. § 1441(a) and

¹ Plaintiff misnames Defendant as Amherst College Corporation and Board of Trustees. Defendant’s correct legal name is Trustees of Amherst College.

(c) where Plaintiff asserts claims under the Equal Pay Act, 29 U.S.C. § 206 (d); Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991 and the Lilly Ledbetter Fair Pay Act of 2009, 42 U.S.C. § 2000e, *et seq.*; and the Age Discrimination in Employment Act, 29 U.S.C. §§ 623(a)(1) and 631(a). *See* Complaint at Counts I, II, and IV. Plaintiff's Complaint "necessarily raises a federal question" that is actually disputed and substantial. *See Rhode Island Fishermen's Alliance, Inc. v. Rhode Island Dept. of Environmental Mgmt.*, 585 F.3d 42, 49-51 (1st Cir. 2009).

3. This Court also has supplemental jurisdiction over the state law claim (Chapter 151B claim) that Plaintiff asserts in the Complaint pursuant to 28 U.S.C. § 1367.

4. Pursuant to 28 U.S.C. § 1441(a), this action is being removed to the District of Massachusetts because this Court is the United States District Court for the district and division embracing the place wherein the state court action is pending.

5. This Notice of Removal is timely filed within thirty days after service of the Complaint on Amherst College. Likewise, this Notice is filed within thirty days of Amherst College's earliest date of actual notice of Plaintiff's Complaint, as the time of service is the first time Amherst College had possession of a copy of Plaintiff's Superior Court Complaint.

6. A copy of this Notice of Removal is being filed with the Franklin County Superior Court, and a written notice is being provided to Plaintiff pursuant to 28 U.S.C. § 1446(d).

7. Pursuant to Local Rule 81.1(a), certified or attested copies of all records, proceedings, and docket entries in the Franklin County Superior Court shall be filed with this Court within twenty-eight days.

WHEREFORE, defendant Trustees of Amherst College respectfully requests that the matter designated by the Complaint attached as Exhibit A be removed to the United States District Court for the District of Massachusetts.

Respectfully submitted,

TRUSTEES OF AMHERST COLLEGE

By its attorneys,

/s/ David J. Santeusanio

David J. Santeusanio (BBO No. 641270)

david.santeusanio@hklaw.com

Katrina N. Chapman (BBO No. 676177)

katrina.chapman@hklaw.com

HOLLAND & KNIGHT LLP

10 St. James Avenue

Boston, MA 02116

(617) 523-2700

Dated: December 30, 2016

CERTIFICATE OF SERVICE

I hereby certify that the above Notice of Removal was filed through the ECF system and that I have caused a true and correct copy of the Notice of Removal to be served on Plaintiff's counsel: R. Dave DeHerdt, Law Office of R. Dave DeHerdt, 9B State Street, POB 28, Shelburne Falls MA 01370.

/s/ David J. Santeusanio

David J. Santeusanio

Exhibit A

Commonwealth of Massachusetts

FRANKLIN, ss.

TRIAL COURT DEPARTMENT
FRANKLIN SUPERIOR DIVISION
CIVIL ACTION NO. 1678CV102

Paullette M. Leukhardt,

Plaintiff

v.

Amherst College Corporation and Board of
Trustees,

Defendant

ORIGINAL COMPLAINT

1. The Plaintiff, Paullette M. Leukhardt, is an individual and resides at 230 Main Street, Ashfield, County of Franklin, Massachusetts.
2. The Defendants Amherst College Corporation and Board of Trustees (together referred to as "Amherst College") is a federally funded, private liberal arts college located in Amherst, County of Hampshire, Commonwealth of Massachusetts.
3. Plaintiff is an employee of the Defendant in its Administrative Information Services department f/k/a Database Services.
4. Plaintiff was first hired by Defendant in October 1968.
5. The Defendant hired Plaintiff as a salaried employee the salary calculated at 35 hours per week.
6. As a salaried employee of Defendant, it is not possible for Plaintiff to stop in the middle of meetings, IT projects, or other job processes even though they may extend beyond Plaintiff's allotted 35 hours upon which her salary is based.
7. During the period 1985 – 1990, female employees of the Defendant complained of what appeared to be a gender discriminatory pay structure in that the male non-exempt staff employed in the Defendant's Physical Plant department were being paid for a forty hour work week, while female non-exempt staff were restricted to a thirty-five hour work week.
8. Prior to 1997, the Defendant had its computer related services divided into two departments: The Academic Computer Center which reported to the Dean of Faculty, and the Administrative Computer Center reporting to the Treasurer of the College.

9. During the period 1985 – 1993, The Director of the Academic Computer Center, the Dean of Faculty, changed all employees in that department from 35hr/week salaried employees to 40hr/week salaried employees. The Administrative Computer Center employees remained at 35hr/week salaries. The employees in both departments performed basically the same work.
10. In 1996, both the Academic Computer Center and the Administrative Computer Center were reorganized so both departments began reporting to the Defendant's Dean of Faculty.
11. In 1997, Defendant hired its first Director of Information Technology. The two computer centers then began reporting directly to the Director of Information Technology who reported to the Dean of Faculty.
12. Under the first Director of Information Technology, the two computer centers were divided into four groups. No changes in the existing pay structures occurred during the 1996-1997 period. This resulted in Plaintiff remaining as a 35hr/week salaried employee while her male counter-parts receiving 40hr/week salaries for the same work.
13. Beginning approximately 1999 and continuing through 2013, new employees were hired into the various Information Technology groups, including the Plaintiff's group of "Database Services." The new hires were young males who were all hired as 40hr/week salaried employees.
14. In August 2008, a new person was hired into Plaintiff's department. The new hire was male and under 50 years of age. He was hired as a 40hr/week salaried position.
15. Beginning in 2009 Plaintiff requested her weekly hours be changed from 35 to 40 hours/week. She made this request because of the requirements of her position and the wage discrepancy existing between herself and younger male colleagues at Amherst College who were performing the same work as Plaintiff. Her many requests were denied without justification.
16. During April-June, 2010, Plaintiff's then supervisor requested Plaintiff's hours be increased from 35 to 40 hours/week. This request was made to the Defendant's Director of Information Technology at the time, Peter Schilling. The request was denied.
17. In September 2010, Plaintiff met with the Defendant's Dean of Faculty, Greg Call, and requested she be changed to a 40hr/week salaried employee in light of all other members of her department being hired as 40hr/week salaried employees. Plaintiff explained the actual hours she worked with her fellow employees was always 40-60 hours/week. Plaintiff's request was summarily denied.

18. Less than two months after Plaintiff made her request to Defendant's Dean of Faculty, two new people were hired by the Defendant into Plaintiff's department: Both were male and under 50 years old. Both new employees were hired as 40hr/week salaried positions.
19. Subsequent to Plaintiff making her requests to Greg Call for an increase in hours, the Defendant's Director of Human Resources, Katie Bryne, stated the solution to the wage inequity issue raised by Plaintiff was for her to "work less."
20. During 2008 and 2010, three new employees were hired into the Plaintiff's department. All were male and younger than Plaintiff. All the new hires began as 40hr/week salaried employees.
21. On January 2015, Plaintiff's immediate supervisor made a request to Defendant's CIO, David Hamilton, that Plaintiff's hours be changed from 35 to 40/week. The request was ignored.
22. In 2015, Plaintiff spoke directly with the Defendant's CIO, David Hamilton, she explained her belief the disparate pay structure between herself and her male colleagues and the new hires was discriminatory being based on gender and age. She demanded the issue be retroactively resolved. David Hamilton ignored Plaintiff and otherwise never responded to Plaintiff's demands.
23. In March 2015, Ms. Leukhardt spoke with David Hamilton directly. She very deliberately and repeatedly indicated to David Hamilton the discrimination based on age and gender which was happening to her needed to be fixed immediately. She again specifically explained how she was working at least 40 hours per week alongside and with the younger men in her department. However, the younger men were being paid for 40 hours but she was still at 35 hours. She told Mr. Hamilton she had raised the issue since 2010. She asked why the long delay to fix such an obvious problem.
24. In March 2015, Defendant's CIO, David Hamilton said to Plaintiff, "you don't want to spoil your last years of your employment with the College." He then went on to infer any change the Plaintiff was requesting would necessarily require legal action against Amherst College. David Hamilton has told other employees who worked beyond their allotted hours "you let the College abuse you."
25. More than 90 days passed after Plaintiff's March 2015 meeting with CIO David Hamilton during which no response was made to Plaintiff's requests.
26. Defendant Amherst College discriminated against Plaintiff on the basis of her gender by providing her with less compensation than similarly situated male employees performing the same or similar duties.

27. Defendant Amherst College's discriminatory policies, practices, and procedures are not valid, job related, or justified by business necessity.
28. During the period relevant to this Complaint, Defendant's wrongful actions and failure to act directly caused Plaintiff to lose a significant amount of wages, employer retirement contribution, employer social security contributions, employer Medicare contributions, and a lost rate or return on her retirement benefits.

COUNT 1
(EQUAL PAY ACT VIOLATION)

29. Plaintiff incorporates by reference as if fully stated herein, paragraphs 1-28 of this Complaint.
30. All actions of Defendant Amherst College's employees/agents are imputed to the Defendant in pursuant to the doctrine of *respondeat superior*.
31. Defendant Amherst College has engaged in systematic discriminatory treatment of Plaintiff based on her gender.
32. By its actions as described herein, Defendant Amherst College discriminated against Plaintiff through, *inter alia*: (a) disparate treatment; (b) discriminatory policies, practices and procedures in selection, pay, promotion, and advancement in violation of the Equal Pay Act, 29 U.S.C. § 206(d) ("EPA").
33. The differential in pay between male and female employees was not due to seniority, merit, quantity or quality of production, or a factor other than sex, but was due to gender.
34. Defendant Amherst College caused, attempted to cause, contributed to, or caused the continuation of wage rate discrimination based on gender, in violation of the EPA.
35. The Plaintiff has exhausted her administrative remedies and complied with any statutory prerequisites by filing charges with the Equal Employment Opportunity Commission alleging gender discrimination on behalf of herself. Plaintiff has perfected her Right to Sue.
36. The foregoing conduct constitutes a willful violation of the EPA within the meaning of 29 U.S.C. § 255(a).
37. Because Defendant Amherst College willfully violated the EPA, a three-year statute of limitations applies to such violations, pursuant to 29 U.S.C. § 255.

38. As a result of Defendant Amherst College's conduct as alleged in this Complaint, Plaintiff Paullette M. Leukhardt suffered harm, including but not limited to: lost earnings, lost benefits, and other financial loss, as well as humiliation, embarrassment, emotional and physical distress, and mental anguish.
39. By reason of Defendant Amherst College's discrimination, Plaintiff Paullette M. Leukhardt is entitled to all legal and equitable remedies available for violations of the EPA, including liquidated damages for all willful violations, prejudgment interest, attorneys' fees, costs, and other compensation pursuant to 29 U.S.C. §216(b).
40. Attorneys' fees should be awarded under 29 U.S.C. §216(b)

COUNT II
(TITLE VII VIOLATION)

41. Plaintiff incorporates by reference as if fully stated herein, paragraphs 1-40 of this Complaint.
42. Defendant Amherst College's actions and failure to act constitute a violation of Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991 and the Lilly Ledbetter Fair Pay Act of 2009 ("Fair Pay Act"). 42 U.S.C. 2000e, *et. seq.* ("Title VII").
43. This suit is being brought within 90 days of the receipt by Plaintiff of Right to Sue letter issued by the EEOC.
44. Defendant Amherst College has discriminated against Plaintiff Paullette M. Leukhardt by treating her differently from and less preferably than similarly situated male employees and subjecting her to discriminatory pay, discriminatory denials of pay raises, and other differential treatment on the basis of her gender affecting her compensation in violation of Title VII.
45. Defendant Amherst College's policies, practices, and/or procedures have had a disparate impact on Plaintiff Paullette M. Leukhardt with respect to the terms and conditions of her employment.
46. Defendant Amherst College's conduct has been intentional, deliberate, willful, malicious, reckless, and/or conducted in callous disregard of the rights of Plaintiff Paullette M. Leukhardt entitling her to punitive damages.
47. By reason of the continuous nature of Defendant Amherst College's discriminatory conduct, which persisted throughout the employment of the Plaintiff up until July 2016, Plaintiff Paullette M. Leukhardt is entitled to the application of the continuing violations doctrine to all violations alleged herein.

48. As a result of Defendant Amherst College's conduct alleged in this Complaint, the Plaintiff Paullette M. Leukhardt has suffered harm, including but not limited to: lost wages, lost back pay and front pay, lost bonuses, lost benefits, lost interest and attorneys' fees and costs.
49. Plaintiff Paullette M. Leukhardt is entitled to recover such monetary and other damages, punitive damages, interest, and attorneys' fees and costs from Defendants under Title VII.
50. As a further result of Defendant Amherst College's unlawful conduct, Plaintiff Paullette M. Leukhardt suffered *inter alia*, impairment to her name and reputation, humiliation, embarrassment, emotional and physical distress, and mental anguish. Plaintiffs are entitled to recover damages for such injuries from the Defendant Amherst College under Title VII.
51. By reason of Defendant Amherst College's discrimination, Plaintiff Paullette M. Leukhardt is entitled to all legal and equitable remedies available for violations of Title VII, including liquidated damages for all willful violations, prejudgment interest, attorneys' fees, costs, and other compensation.

COUNT III

(Violation of G.L. c. 151B)

52. Plaintiff incorporates by reference as if fully stated herein, paragraphs 1-51 of this Complaint.
53. At all times relevant to this Complaint, Plaintiff Paullette M. Leukhardt was over the age of 40.
54. Defendant Amherst College has engaged in systematic discriminatory treatment of Plaintiff based on her Age.
55. By its actions and inactions as described herein, Defendant Amherst College discriminated against Plaintiff through, *inter alia*: (a) disparate treatment; (b) discriminatory policies, practices and procedures in selection, pay, promotion, and advancement in violation of G.L. c. 151B.
56. The differential in pay between younger and older employees was not due to seniority, merit, quantity or quality of production, or a factor other than age, but was due to age.
57. Defendant Amherst College caused, attempted to cause, contributed to, or caused the continuation of wage rate discrimination based on age, in violation of the G.L. c. 151B.

58. As a result of Defendant Amherst College's conduct, the Plaintiff Paullette M. Leukhardt has suffered harm, including but not limited to: lost wages, lost back pay and front pay, lost bonuses, lost benefits, lost interest and attorneys' fees and costs.
59. WHEREFORE, Plaintiff demands judgment enter against Defendant Amherst College in an amount to be determined at trial along with reasonable attorney's fees and cost and any other relief this Courts deems just and necessary.

COUNT IV


(29 U.S.C. §§ 623(a) (1), 631(a))

60. Plaintiff incorporates by reference as if fully stated herein, paragraphs 1-59 of this Complaint.
61. Defendant Amherst College has engaged in systematic discriminatory treatment of Plaintiff based on her Age.
62. By its actions and inactions as described herein, Defendant Amherst College discriminated against Plaintiff through. *inter alia*: (a) disparate treatment; (b) discriminatory policies, practices and procedures in selection, pay, promotion, and advancement in violation of 29 U.S.C. §§ 623(a)(1), 631(a).
63. As a result of Defendant Amherst College's conduct, the Plaintiff Paullette M. Leukhardt has suffered harm, including but not limited to: lost wages, lost back pay and front pay, lost bonuses, lost benefits, lost interest and attorneys' fees and costs.
64. WHEREFORE, Plaintiff demands judgment enter against Defendant Amherst College in an amount to be determined at trial along with reasonable attorney's fees and cost and any other relief this Courts deems just and necessary.

JURY DEMAND

Plaintiff demands a trial by jury on all issues triable of right by jury.

Respectfully Submitted,
Paullette M. Leukhardt, Plaintiff,
By her Attorney,



R. Dave DeHerdt, Esquire
BBO#558861
9B State Street, PO Box 28
Shelburne Falls, MA 01370
(413) 376-8000


CIVIL ACTION COVER SHEET		DOCKET NUMBER <u>1678 CV 102</u>	Trial Court of Massachusetts The Superior Court		
PLAINTIFF(S): <u>Paullette M. Leukhardt</u> ADDRESS: <u>230 Main Street</u> <u>Ashfield, MA 01330</u>			COUNTY <u>FRANKLIN</u>		
ATTORNEY: <u>R. DAVE DEHERDT</u> ADDRESS: <u>POB 28</u> <u>SHELBURNE FALLS, MA 01370</u>			DEFENDANT(S): <u>Amherst College Corporation and Board of Trustees</u> ADDRESS: <u>Board of Trustees, 104 Converse Hall</u> <u>Amherst, MA 01002</u>		
RBO: <u>558861</u>					
TYPE OF ACTION AND TRACK DESIGNATION (see reverse side)					
CODE NO. <u>B22</u>	TYPE OF ACTION (specify) <u>Employment Discrimination</u>	TRACK <u>I</u>	HAS A JURY CLAIM BEEN MADE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
*If "Other" please describe: <u>(EPA, Title VII, GL 151B)</u>					
STATEMENT OF DAMAGES PURSUANT TO G.L. c. 212, § 3A					
The following is a full, itemized and detailed statement of the facts on which the undersigned plaintiff or plaintiff counsel relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages only.					
TORT CLAIMS (attach additional sheets as necessary)					
A. Documented medical expenses to date:					
1. Total hospital expenses		\$			
2. Total doctor expenses		\$			
3. Total chiropractic expenses		\$			
4. Total physical therapy expenses		\$			
5. Total other expenses (describe below)		\$			
Subtotal (A):				\$	
B. Documented lost wages and compensation to date					
				\$	<u>105,209</u>
C. Documented property damages to dated					
				\$	
D. Reasonably anticipated future medical and hospital expenses					
				\$	
E. Reasonably anticipated lost wages					
				\$	
F. Other documented items of damages (describe below)					
				\$	
G. Briefly describe plaintiff's injury, including the nature and extent of injury:					
Due to discriminatory acts of Defendant, Plaintiff suffered lost wages, lost back pay, lost bonuses, lost benefits, lost interest, incurred attorney's fees and costs.				TOTAL (A-F):	<u>105,209.00</u>
CONTRACT CLAIMS (attach additional sheets as necessary)					
Provide a detailed description of claims(s):					
				TOTAL:	\$
Signature of Attorney/Pro Se Plaintiff: <u>[Signature]</u>					Date: <u>09/26/16</u>
RELATED ACTIONS: Please provide the case number, case name, and county of any related actions pending in the Superior Court.					
CERTIFICATION PURSUANT TO SJC RULE 1:18					
I hereby certify that I have complied with requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods of dispute resolution.					
Signature of Attorney of Record: <u>[Signature]</u>					Date: <u>09/26/16</u>

Exhibit B

RECEIVED DEC 13 2016

FRANKLIN, ss.

Commonwealth of Massachusetts

TRIAL COURT OF THE COMMONWEALTH
SUPERIOR COURT DEPARTMENT
CIVIL DOCKET NO. 1678CV102Raullette M. Leulcha PLAINTIFF(S),A TRUE AND
ATTESTED COPY
Allyson Munkid
DEPUTY SHERIFF

DEC 13, 2016

v. Board of Trustees
Amherst College Corp. DEFENDANT(S)

SUMMONS

THIS SUMMONS IS DIRECTED TO Board of Trustees, Amherst College Corporation (Defendant's Name)

You are being sued. The Plaintiff(s) named above has started a lawsuit against you. A copy of the Plaintiff's Complaint filed against you is attached to this summons and the original complaint has been filed in the Franklin Superior Court. YOU MUST ACT PROMPTLY TO PROTECT YOUR RIGHTS.

1. You must respond to this lawsuit in writing within 20 days. If you do not respond, the court may decide the case against you and award the Plaintiff everything asked for in the complaint. You will also lose the opportunity to tell your side of the story. You must respond to this lawsuit in writing even if you expect to resolve this matter with the Plaintiff. ~~If you need more time to respond, you may request an extension of time in writing from the Court.~~
2. How to Respond. To respond to this lawsuit, you must file a written response with the court and mail a copy to the Plaintiff's Attorney (or the Plaintiff, if unrepresented). You can do this by:
 - a. Filing your signed original response with the Clerk's Office for Civil Business, Franklin Superior Court, 101 Munson Street, Greenfield, MA 01301 (address), by mail or in person, AND
 - b. Delivering or mailing a copy of your response to the Plaintiff's Attorney/Plaintiff at the following address:
R. Dave DeHurd, 98 STATE ST., POB 28, SHELLEMAN FALLS, MA 01372
3. What to include in your response. An "Answer" is one type of response to a Complaint. Your Answer must state whether you agree or disagree with the fact(s) alleged in each paragraph of the Complaint. Some defenses, called affirmative defenses, must be stated in your Answer or you may lose your right to use them in court. If you have any claims against the Plaintiff (referred to as counterclaims) that are based on the same facts or transaction described in the Complaint, then you must include those claims in your Answer. Otherwise, you may lose your right to sue the Plaintiff about anything related to this lawsuit. If you want to have your case heard by a jury, you must specifically request a jury trial in your Answer or in a written demand for a jury trial that you must send to the other side and file with the court no more than 10 days after sending your Answer. You can also respond to a Complaint by filing a "Motion to Dismiss," if you believe that the complaint is legally invalid or legally insufficient. A Motion to Dismiss must be based on one of the legal deficiencies or reasons listed under Mass. R. Civ. P. 12. If you are filing a Motion to Dismiss, you must also comply with the filing procedures for "Civil Motions" described in the rules of the Court in which the complaint was filed, available at www.mass.gov/courts/case-legal-res/rules-of-court.
4. Legal Assistance. You may wish to get legal help from a lawyer. If you cannot get legal help, some basic information for people who represent themselves is available at www.mass.gov/courts/selfhelp.
5. Required Information on all filings: The "civil docket number" appearing at the top of this notice is the case number assigned to this case and must appear on the front of your Answer or Motion to Dismiss. You should refer to yourself as the "Defendant."

Witness Hon. Judith Fabricant, Chief Justice on Dec 13, 2016. (SEAL)Susan K. Emond
Clerk of CourtsSusan K. Emond

Note: The number assigned to the Complaint by the Clerk-Magistrate at the beginning of the lawsuit should be indicated on the summons before it is served on the Defendant.

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

PAULETTE M. LEUKHARDT

(b) County of Residence of First Listed Plaintiff **Franklin County**

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

R. Dave DeHerd

Law Office of R. Dave DeHerd, 9B State Street, POB 28, Shelburne Falls MA 01370, 413-376-8000.

DEFENDANTSAMHERST COLLEGE CORPORATION AND BOARD OF TRUSTEES
[NOTE: Defendant's correct legal name is Trustees of Amherst College.]County of Residence of First Listed Defendant **Hampshire County**

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

David J. Santeusano and Katrina N. Chapman
Holland & Knight LLP, 10 St. James Avenue, Boston, MA 02116, 617-523-2700.**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
			IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
				<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Equal Pay Act, 29 U.S.C. § 206 (d); Title VII of the Civil Rights Act of 1964; 29 U.S.C. § 623(a)(1) and 631(a).

Brief description of cause:

Employment Discrimination

VII. REQUESTED IN COMPLAINT:☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

105,209.00

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE
12/30/2016SIGNATURE OF ATTORNEY OF RECORD
David J. Santeusano

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

1. Title of case (name of first party on each side only) PAULLETTE M. LEUKHARDT v. AMHERST COLLEGE CORPORATION AND BOARD OF TRUSTEES
[NOTE: Defendant's correct legal name is Trustees of Amherst College.]

2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).

☐

I. 410, 441, 470, 535, 830*, 891, 893, 895, R.23, REGARDLESS OF NATURE OF SUIT.

☒

II. 110, 130, 140, 160, 190, 196, 230, 240, 290, 320, 362, 370, 371, 380, 430, 440, 442, 443, 445, 446, 448, 710, 720, 740, 790, 820*, 840*, 850, 870, 871.

☐

III. 120, 150, 151, 152, 153, 195, 210, 220, 245, 310, 315, 330, 340, 345, 350, 355, 360, 365, 367, 368, 375, 376, 385, 400, 422, 423, 450, 460, 462, 463, 465, 480, 490, 510, 530, 540, 550, 555, 625, 690, 751, 791, 861-865, 890, 896, 899, 950.

*Also complete AO 120 or AO 121. for patent, trademark or copyright cases.

3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.

4. Has a prior action between the same parties and based on the same claim ever been filed in this court?

YES

☐

NO

☒

5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)

YES

☐

NO

☒

If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?

YES

☐

NO

☐

6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?

YES

☐

NO

☒

7. Do all of the parties in this action, excluding governmental agencies of the United States and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).

YES

☒

NO

☐

- A. If yes, in which division do all of the non-governmental parties reside?

Eastern Division

☐

Central Division

☐

Western Division

☒

- B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?

Eastern Division

☐

Central Division

☐

Western Division

☐

8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)

YES

☐

NO


☒

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME David J. Santeusano

ADDRESS Holland & Knight LLP, 10 St. James Avenue, Boston, MA 02116

TELEPHONE NO. 617-523-2700

CIVIL TRACKING ORDER (STANDING ORDER 1- 88)	DOCKET NUMBER 1678CV00102	Trial Court of Massachusetts The Superior Court 
CASE NAME: Paullette M. Leukhardt vs. AMHERST COLLEGE		Susan K. Emond, Clerk of Courts
TO: File Copy		COURT NAME & ADDRESS Franklin County Superior Court 101 Munson Street Greenfield, MA 01301

TRACKING ORDER - F - Fast Track

You are hereby notified that this case is on the track referenced above as per Superior Court Standing Order 1-88. The order requires that the various stages of litigation described below must be completed not later than the deadlines indicated.

STAGES OF LITIGATION**DEADLINE**

	SERVED BY	FILED BY	HEARD BY
Service of process made and return filed with the Court		12/27/2016	
Response to the complaint filed (also see MRCP 12)		01/24/2017	
All motions under MRCP 12, 19, and 20	01/24/2017	02/23/2017	03/27/2017
All motions under MRCP 15	01/24/2017	02/23/2017	03/27/2017
All discovery requests and depositions served and non-expert depositions completed	07/24/2017		
All motions under MRCP 56	08/22/2017	09/21/2017	
Final pre-trial conference held and/or firm trial date set			01/19/2018
Case shall be resolved and judgment shall issue by			09/26/2018

The final pre-trial deadline is not the scheduled date of the conference. You will be notified of that date at a later time.

Counsel for plaintiff must serve this tracking order on defendant before the deadline for filing return of service.

This case is assigned to

A TRUE COPY ATTEST

Susan K. Emond
Clerk of Courts

PHONE

DATE ISSUED

09/26/2016

ASSISTANT CLERK

Commonwealth of Massachusetts

FRANKLIN, ss.

TRIAL COURT DEPARTMENT
FRANKLIN SUPERIOR DIVISION
CIVIL ACTION NO.

1678CV102

Paullette M. Leukhardt,

Plaintiff

v.

Amherst College Corporation and Board of
Trustees,

Defendant

2016 SEP 26 PM 12:41

FRANKLIN SUPERIOR
COURT
FILED

ORIGINAL COMPLAINT

1. The Plaintiff, Paullette M. Leukhardt, is an individual and resides at 230 Main Street, Ashfield, County of Franklin, Massachusetts.
2. The Defendants Amherst College Corporation and Board of Trustees (together referred to as "Amherst College") is a federally funded, private liberal arts college located in Amherst, County of Hampshire, Commonwealth of Massachusetts.
3. Plaintiff is an employee of the Defendant in its Administrative Information Services department f/k/a Database Services.
4. Plaintiff was first hired by Defendant in October 1968.
5. The Defendant hired Plaintiff as a salaried employee the salary calculated at 35 hours per week.
6. As a salaried employee of Defendant, it is not possible for Plaintiff to stop in the middle of meetings, IT projects, or other job processes even though they may extend beyond Plaintiff's allotted 35 hours upon which her salary is based.
7. During the period 1985 – 1990, female employees of the Defendant complained of what appeared to be a gender discriminatory pay structure in that the male non-exempt staff employed in the Defendant's Physical Plant department were being paid for a forty hour work week, while female non-exempt staff were restricted to a thirty-five hour work week.
8. Prior to 1997, the Defendant had its computer related services divided into two departments; The Academic Computer Center which reported to the Dean of Faculty, and the Administrative Computer Center reporting to the Treasurer of the College.

A TRUE COPY ATTEST

James K. Fmond

Clerk of Courts

9. During the period 1985 – 1993, The Director of the Academic Computer Center, the Dean of Faculty, changed all employees in that department from 35hr/week salaried employees to 40hr/week salaried employees. The Administrative Computer Center employees remained at 35hr/week salaries. The employees in both departments performed basically the same work.
10. In 1996, both the Academic Computer Center and the Administrative Computer Center were reorganized so both departments began reporting to the Defendant's Dean of Faculty.
11. In 1997, Defendant hired its first Director of Information Technology. The two computer centers then began reporting directly to the Director of Information Technology who reported to the Dean of Faculty.
12. Under the first Director of Information Technology, the two computer centers were divided into four groups. No changes in the existing pay structures occurred during the 1996-1997 period. This resulted in Plaintiff remaining as a 35hr/week salaried employee while her male counter-parts receiving 40hr/week salaries for the same work.
13. Beginning approximately 1999 and continuing through 2013, new employees were hired into the various Information Technology groups, including the Plaintiff's group of "Database Services." The new hires were young males who were all hired as 40hr/week salaried employees.
14. In August 2008, a new person was hired into Plaintiff's department. The new hire was male and under 50 years of age. He was hired as a 40hr/week salaried position.
15. Beginning in 2009 Plaintiff requested her weekly hours be changed from 35 to 40 hours/week. She made this request because of the requirements of her position and the wage discrepancy existing between herself and younger male colleagues at Amherst College who were performing the same work as Plaintiff. Her many requests were denied without justification.
16. During April-June, 2010, Plaintiff's then supervisor requested Plaintiff's hours be increased from 35 to 40 hours/week. This request was made to the Defendant's Director of Information Technology at the time, Peter Schilling. The request was denied.
17. In September 2010, Plaintiff met with the Defendant's Dean of Faculty, Greg Call, and requested she be changed to a 40hr/week salaried employee in light of all other members of her department being hired as 40hr/week salaried employees. Plaintiff explained the actual hours she worked with her fellow employees was always 40-60 hours/week. Plaintiff's request was summarily denied.

18. Less than two months after Plaintiff made her request to Defendant's Dean of Faculty, two new people were hired by the Defendant into Plaintiff's department; Both were male and under 50 years old. Both new employees were hired as 40hr/week salaried positions.
19. Subsequent to Plaintiff making her requests to Greg Call for an increase in hours, the Defendant's Director of Human Resources, Katie Bryne, stated the solution to the wage inequity issue raised by Plaintiff was for her to "work less."
20. During 2008 and 2010, three new employees were hired into the Plaintiff's department. All were male and younger than Plaintiff. All the new hires began as 40hr/week salaried employees.
21. On January 2015, Plaintiff's immediate supervisor made a request to Defendant's CIO, David Hamilton, that Plaintiff's hours be changed from 35 to 40/week. The request was ignored.
22. In 2015, Plaintiff spoke directly with the Defendant's CIO, David Hamilton, she explained her belief the disparate pay structure between herself and her male colleagues and the new hires was discriminatory being based on gender and age. She demanded the issue be retroactively resolved. David Hamilton ignored Plaintiff and otherwise never responded to Plaintiff's demands.
23. In March 2015, Ms. Leukhardt spoke with David Hamilton directly. She very deliberately and repeatedly indicated to David Hamilton the discrimination based on age and gender which was happening to her needed to be fixed immediately. She again specifically explained how she was working at least 40 hours per week alongside and with the younger men in her department. However, the younger men were being paid for 40 hours but she was still at 35 hours. She told Mr. Hamilton she had raised the issue since 2010. She asked why the long delay to fix such an obvious problem.
24. In March 2015, Defendant's CIO, David Hamilton said to Plaintiff, "you don't want to spoil your last years of your employment with the College." He then went on to infer any change the Plaintiff was requesting would necessarily require legal action against Amherst College. David Hamilton has told other employees who worked beyond their allotted hours "you let the College abuse you."
25. More than 90 days passed after Plaintiff's March 2015 meeting with CIO David Hamilton during which no response was made to Plaintiffs' requests.
26. Defendant Amherst College discriminated against Plaintiff on the basis of her gender by providing her with less compensation than similarly situated male employees performing the same or similar duties.

27. Defendant Amherst College's discriminatory policies, practices, and procedures are not valid, job related, or justified by business necessity.
28. During the period relevant to this Complaint, Defendant's wrongful actions and failure to act directly caused Plaintiff to lose a significant amount of wages, employer retirement contribution, employer social security contributions, employer Medicare contributions, and a lost rate or return on her retirement benefits.

COUNT 1
(EQUAL PAY ACT VIOLATION)

29. Plaintiff incorporates by reference as if fully stated herein, paragraphs 1-28 of this Complaint.
30. All actions of Defendant Amherst College's employees/agents are imputed to the Defendant in pursuant to the doctrine of *respondeat superior*.
31. Defendant Amherst College has engaged in systematic discriminatory treatment of Plaintiff based on her gender.
32. By its actions as described herein, Defendant Amherst College discriminated against Plaintiff through, *inter alia*: (a) disparate treatment; (b) discriminatory policies, practices and procedures in selection, pay, promotion, and advancement in violation of the Equal Pay Act, 29 U.S.C. § 206(d) ("EPA").
33. The differential in pay between male and female employees was not due to seniority, merit, quantity or quality of production, or a factor other than sex, but was due to gender.
34. Defendant Amherst College caused, attempted to cause, contributed to, or caused the continuation of wage rate discrimination based on gender, in violation of the EPA.
35. The Plaintiff has exhausted her administrative remedies and complied with any statutory prerequisites by filing charges with the Equal Employment Opportunity Commission alleging gender discrimination on behalf of herself. Plaintiff has perfected her Right to Sue.
36. The foregoing conduct constitutes a willful violation of the EPA within the meaning of 29 U.S.C. § 255(a).
37. Because Defendant Amherst College willfully violated the EPA, a three-year statute of limitations applies to such violations, pursuant to 29 U.S.C. § 255.

38. As a result of Defendant Amherst College's conduct as alleged in this Complaint, Plaintiff Paullette M. Leukhardt suffered harm, including but not limited to: lost earnings, lost benefits, and other financial loss, as well as humiliation, embarrassment, emotional and physical distress, and mental anguish.
39. By reason of Defendant Amherst College's discrimination, Plaintiff Paullette M. Leukhardt is entitled to all legal and equitable remedies available for violations of the EPA, including liquidated damages for all willful violations, prejudgment interest, attorneys' fees, costs, and other compensation pursuant to 29 U.S.C. §216(b).
40. Attorneys' fees should be awarded under 29 U.S.C. §216(b)

COUNT II
(TITLE VII VIOLATION)

41. Plaintiff incorporates by reference as if fully stated herein, paragraphs 1-40 of this Complaint.
42. Defendant Amherst College's actions and failure to act constitute a violation of Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991 and the Lilly Ledbetter Fair Pay Act of 2009 ("Fair Pay Act"), 42 U.S.C. 2000e, *et. seq.* ("Title VII").
43. This suit is being brought within 90 days of the receipt by Plaintiff of Right to Sue letter issued by the EEOC.
44. Defendant Amherst College has discriminated against Plaintiff Paullette M. Leukhardt by treating her differently from and less preferably than similarly situated male employees and subjecting her to discriminatory pay, discriminatory denials of pay raises, and other differential treatment on the basis of her gender affecting her compensation in violation of Title VII.
45. Defendant Amherst College's policies, practices, and/or procedures have had a disparate impact on Plaintiff Paullette M. Leukhardt with respect to the terms and conditions of her employment.
46. Defendant Amherst College's conduct has been intentional, deliberate, willful, malicious, reckless, and/or conducted in callous disregard of the rights of Plaintiff Paullette M. Leukhardt entitling her to punitive damages.
47. By reason of the continuous nature of Defendant Amherst College's discriminatory conduct, which persisted throughout the employment of the Plaintiff up until July 2016, Plaintiff Paullette M. Leukhardt is entitled to the application of the continuing violations doctrine to all violations alleged herein.

48. As a result of Defendant Amherst College's conduct alleged in this Complaint, the Plaintiff Paullette M. Leukhardt has suffered harm, including but not limited to: lost wages, lost back pay and front pay, lost bonuses, lost benefits, lost interest and attorneys' fees and costs.
49. Plaintiff Paullette M. Leukhardt is entitled to recover such monetary and other damages, punitive damages, interest, and attorneys' fees and costs from Defendants under Title VII.
50. As a further result of Defendant Amherst College's unlawful conduct, Plaintiff Paullette M. Leukhardt suffered *inter alia*, impairment to her name and reputation, humiliation, embarrassment, emotional and physical distress, and mental anguish. Plaintiffs are entitled to recover damages for such injuries from the Defendant Amherst College under Title VII.
51. By reason of Defendant Amherst College's discrimination, Plaintiff Paullette M. Leukhardt is entitled to all legal and equitable remedies available for violations of Title VII, including liquidated damages for all willful violations, prejudgment interest, attorneys' fees, costs, and other compensation.

COUNT III
(Violation of G.L. c. 151B)

52. Plaintiff incorporates by reference as if fully stated herein, paragraphs 1-51 of this Complaint.
53. At all times relevant to this Complaint, Plaintiff Paullette M. Leukhardt was over the age of 40.
54. Defendant Amherst College has engaged in systematic discriminatory treatment of Plaintiff based on her Age.
55. By its actions and inactions as described herein, Defendant Amherst College discriminated against Plaintiff through, *inter alia*: (a) disparate treatment; (b) discriminatory policies, practices and procedures in selection, pay, promotion, and advancement in violation of G.L. c. 151B.
56. The differential in pay between younger and older employees was not due to seniority, merit, quantity or quality of production, or a factor other than age, but was due to age.
57. Defendant Amherst College caused, attempted to cause, contributed to, or caused the continuation of wage rate discrimination based on age, in violation of the G.L. c. 151B.

58. As a result of Defendant Amherst College's conduct, the Plaintiff Paullette M. Leukhardt has suffered harm, including but not limited to: lost wages, lost back pay and front pay, lost bonuses, lost benefits, lost interest and attorneys' fees and costs.
59. WHEREFORE, Plaintiff demands judgment enter against Defendant Amherst College in an amount to be determined at trial along with reasonable attorney's fees and cost and any other relief this Courts deems just and necessary.

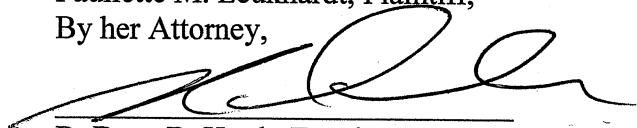
COUNT IV
(29 U.S.C. §§ 623(a) (1), 631(a))

60. Plaintiff incorporates by reference as if fully stated herein, paragraphs 1-59 of this Complaint.
61. Defendant Amherst College has engaged in systematic discriminatory treatment of Plaintiff based on her Age.
62. By its actions and inactions as described herein, Defendant Amherst College discriminated against Plaintiff through, *inter alia*: (a) disparate treatment; (b) discriminatory policies, practices and procedures in selection, pay, promotion, and advancement in violation of 29 U.S.C. §§ 623(a)(1), 631(a).
63. As a result of Defendant Amherst College's conduct, the Plaintiff Paullette M. Leukhardt has suffered harm, including but not limited to: lost wages, lost back pay and front pay, lost bonuses, lost benefits, lost interest and attorneys' fees and costs.
64. WHEREFORE, Plaintiff demands judgment enter against Defendant Amherst College in an amount to be determined at trial along with reasonable attorney's fees and cost and any other relief this Courts deems just and necessary.





JURY DEMAND

Plaintiff demands a trial by jury on all issues triable of right by jury.

Respectfully Submitted,
Paullette M. Leukhardt, Plaintiff,
By her Attorney,

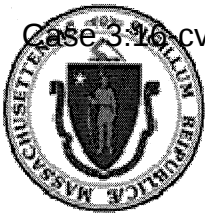


R. Dave DeHerdt, Esquire
BBO#558861
9B State Street, PO Box 28
Shelburne Falls, MA 01370
(413) 376-8000

CIVIL ACTION COVER SHEET		DOCKET NUMBER 1678CV102	Trial Court of Massachusetts The Superior Court		
PLAINTIFF(S): <u>Paullette M. Leukhardt</u>			COUNTY <u>FRANKLIN</u>		
ADDRESS: <u>230 Main Street</u> <u>Ashfield, MA 01330</u>			DEFENDANT(S): <u>Amherst College Corporation and Board of Trustees</u>		
ATTORNEY: <u>R. DAVE DEHERDT</u>			ADDRESS: <u>Board of Trustees, 104 Converse Hall</u> <u>Amherst, MA 01002</u>		
ADDRESS: <u>POB 28</u> <u>SHELBURNE FALLS, MA 01370</u>					
BBO: <u>558861</u>					
TYPE OF ACTION AND TRACK DESIGNATION (see reverse side)					
CODE NO. <u>B22</u>	TYPE OF ACTION (specify) <u>Employment Discrimination</u>	TRACK <u>F</u>	HAS A JURY CLAIM BEEN MADE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
*If "Other" please describe: <u>(EPA, Title VII, GL 151B)</u>					
STATEMENT OF DAMAGES PURSUANT TO G.L. c. 212, § 3A					
The following is a full, itemized and detailed statement of the facts on which the undersigned plaintiff or plaintiff counsel relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages only.					
TORT CLAIMS (attach additional sheets as necessary)					
A. Documented medical expenses to date:					
1. Total hospital expenses					\$
2. Total doctor expenses					\$
3. Total chiropractic expenses					\$
4. Total physical therapy expenses					\$
5. Total other expenses (describe below)					\$
Subtotal (A):					\$
B. Documented lost wages and compensation to date					\$
C. Documented property damages to date					\$
D. Reasonably anticipated future medical and hospital expenses					\$
E. Reasonably anticipated lost wages					\$
F. Other documented items of damages (describe below)					\$
G. Briefly describe plaintiff's injury, including the nature and extent of injury: Due to discriminatory acts of Defendant, Plaintiff suffered lost wages, lost back pay, lost bonuses, lost benefits, lost interest, incurred attorney's fees and costs.					TOTAL (A-F): \$
					105,209.00
CONTRACT CLAIMS (attach additional sheets as necessary)					
Provide a detailed description of claims(s):					
					TOTAL: \$
Signature of Attorney/Pro Se Plaintiff: X 					Date: 09/26/16
RELATED ACTIONS: Please provide the case number, case name, and county of any related actions pending in the Superior Court.					
CERTIFICATION PURSUANT TO SJC RULE 1:18					
I hereby certify that I have complied with requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods of dispute resolution.					
Signature of Attorney of Record: X 					Date: 09/26/16
A TRUE COPY ATTESTS  Clerk of Courts					

FRANKLIN SUPERIOR COURT FILED

2016 SEP 26 12:41



1678CV00102

Leukhardt, Paullette M vs. Amherst College Corporation and Board of Trustees

CASE TYPE:	Torts	FILE DATE:	09/26/2016
ACTION CODE:	B22	CASE TRACK:	F - Fast Track
DESCRIPTION:	Employment Discrimination		
CASE DISPOSITION DATE	01/06/2017	CASE STATUS:	Closed
CASE DISPOSITION:	Transferred to another Court	STATUS DATE:	01/06/2017
CASE JUDGE:		CASE SESSION:	Civil A

LINKED CASE

DCM TRACK

Tickler Description	Due Date	Completion Date
Service	12/27/2016	01/06/2017
Rule 12/19/20 Served By	01/24/2017	01/06/2017
Answer	01/24/2017	01/06/2017
Rule 15 Served By	01/24/2017	01/06/2017
Status Review	02/06/2017	01/06/2017
Rule 12/19/20 Filed By	02/23/2017	01/06/2017
Rule 15 Filed By	02/23/2017	01/06/2017
Rule 15 Heard By	03/27/2017	01/06/2017
Rule 12/19/20 Heard By	03/27/2017	01/06/2017
Discovery	07/24/2017	01/06/2017
Rule 56 Served By	08/22/2017	01/06/2017
Rule 56 Filed By	09/21/2017	01/06/2017
Final Pre-Trial Conference	01/19/2018	01/06/2017
Judgment	09/26/2018	01/06/2017

PARTIES

Plaintiff

Leukhardt, Paullette M
230 Main Street
Ashfield, MA 01330

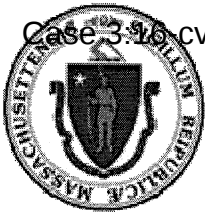
Private Counsel

558861

Richard D Deherdt
Law Office of R. Dave DeHerdt
Law Office of R. Dave DeHerdt
9B State Street
POB 28
Shelburne Falls, MA 01370
Work Phone (413) 376-8000
Added Date: 09/26/2016

A TRUE COPY ATTEST

Clerk of Courts



Docket Report

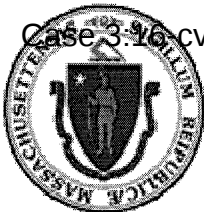
Defendant Amherst College Corporation and Board of Trustees 104 Converse Hall Amherst, MA 01002	Private Counsel David John Santeusano Holland & Knight Holland & Knight 10 St. James Avenue Boston, MA 02116 Work Phone (617) 854-1490 Added Date: 01/06/2017	641270
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PARTY CHARGES					
#	Offense Date/ Charge	Code	Town	Disposition	Disposition Date

EVENTS				
Date	Session	Event	Result	Resulting Judge
06/23/2017	Civil A	Pre-Trial Conference	Canceled	Rup

FINANCIAL SUMMARY					
	Fees/Fines/Costs	Assessed	Paid	Dismissed	Balance
Total		280.00	280.00	0.00	0.00

Deposit Account(s) Summary	Received	Applied	Checks Paid	Balance
Total				



INFORMATIONAL DOCKET ENTRIES

Date	Ref	Description	Judge
09/26/2016	1	Civil action cover sheet filed.	
09/26/2016	2	Original civil complaint filed.	
09/26/2016		Demand for jury trial entered.	
09/26/2016		Attorney appearance On this date Richard D Deherdt, Esq. added as Private Counsel for Plaintiff Paullette M. Leukhardt	
09/26/2016		Case assigned to: DCM Track F - Fast Track was added on 09/26/2016	
12/20/2016	3	Summons, returned SERVED	
		Applies To: Amherst College Corporation and Board of Trustees (Defendant)	
01/03/2017	4	Defendant Amherst College Corporation and Board of Trustees's Notice of filing notice of removal.	
01/06/2017		Event Result: The following event: Pre-Trial Conference scheduled for 06/23/2017 02:00 PM has been resulted as follows: Result: Canceled Reason: Transferred to another session	Rup
01/06/2017		Case transferred to another court.	
01/06/2017		Attorney appearance On this date David John Santeusano, Esq. added as Private Counsel for Defendant Amherst College Corporation and Board of Trustees	
01/06/2017		General correspondence regarding mailed certified copy of the file to defendant's attorney.	
01/09/2017	5	Notice of Removal to the United States District Court filed by	
		Applies To: Amherst College Corporation and Board of Trustees (Defendant)	

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

PAULLETTE M. LEUKHARDT,

Plaintiff,

v.

AMHERST COLLEGE CORPORATION
AND BOARD OF TRUSTEES,

Defendant.

Civil Action No.: _____

3:16 CV 30195-MGM

I hereby certify on 1/3/17 that the foregoing document is true and correct copy of the
☐ electronic docket in the captioned case
☒ electronically filed original filed on 12/30/16
☐ original filed in my office on _____

Robert M. Farrell
Acting Clerk, U.S. District Court
District of Massachusetts

By: *M. M. Farrell*
Deputy Clerk

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, defendant Trustees of Amherst College¹ ("Amherst College") hereby submits this Notice of Removal of the civil action filed by plaintiff Paullette M. Leukhardt in the Commonwealth of Massachusetts, Franklin County Superior Court. In support of this Notice of Removal, Amherst College states as follows:

1. Plaintiff filed her Complaint against Amherst College on September 26, 2016 in Franklin County Superior Court. The case is captioned *Paullette M. Leukhardt v. Amherst College Corporation and Board of Trustees*, Docket No. 1678CV00102. A true and accurate copy of Plaintiff's Original Complaint and Civil Action Cover Sheet is attached at Exhibit A. Amherst College was served with process on December 13, 2016. A true and accurate copy of the Summons is attached at Exhibit B.

2. This action is properly removable because this Court has original federal question jurisdiction over this matter pursuant to 28 U.S.C. §1331 based on Plaintiff's asserted claims for recovery under federal statutes. As such, this case is removable under 28 U.S.C. § 1441(a) and

¹ Plaintiff misnames Defendant as Amherst College Corporation and Board of Trustees. Defendant's correct legal name is Trustees of Amherst College.

A TRUE COPY ATTEST
James R. Frond
Clerk of Courts

(c) where Plaintiff asserts claims under the Equal Pay Act, 29 U.S.C. § 206 (d); Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991 and the Lilly Ledbetter Fair Pay Act of 2009, 42 U.S.C. § 2000e, *et seq.*; and the Age Discrimination in Employment Act, 29 U.S.C. §§ 623(a)(1) and 631(a). *See* Complaint at Counts I, II, and IV. Plaintiff's Complaint "necessarily raises a federal question" that is actually disputed and substantial. *See Rhode Island Fishermen's Alliance, Inc. v. Rhode Island Dept. of Environmental Mgmt.*, 585 F.3d 42, 49-51 (1st Cir. 2009).

3. This Court also has supplemental jurisdiction over the state law claim (Chapter 151B claim) that Plaintiff asserts in the Complaint pursuant to 28 U.S.C. § 1367.

4. Pursuant to 28 U.S.C. § 1441(a), this action is being removed to the District of Massachusetts because this Court is the United States District Court for the district and division embracing the place wherein the state court action is pending.

5. This Notice of Removal is timely filed within thirty days after service of the Complaint on Amherst College. Likewise, this Notice is filed within thirty days of Amherst College's earliest date of actual notice of Plaintiff's Complaint, as the time of service is the first time Amherst College had possession of a copy of Plaintiff's Superior Court Complaint.

6. A copy of this Notice of Removal is being filed with the Franklin County Superior Court, and a written notice is being provided to Plaintiff pursuant to 28 U.S.C. § 1446(d).

7. Pursuant to Local Rule 81.1(a), certified or attested copies of all records, proceedings, and docket entries in the Franklin County Superior Court shall be filed with this Court within twenty-eight days.

WHEREFORE, defendant Trustees of Amherst College respectfully requests that the matter designated by the Complaint attached as Exhibit A be removed to the United States District Court for the District of Massachusetts.

Respectfully submitted,

TRUSTEES OF AMHERST COLLEGE

By its attorneys,

/s/ David J. Santeusanio

David J. Santeusanio (BBO No. 641270)

david.santeusanio@hklaw.com

Katrina N. Chapman (BBO No. 676177)

katrina.chapman@hklaw.com

HOLLAND & KNIGHT LLP

10 St. James Avenue

Boston, MA 02116

(617) 523-2700

Dated: December 30, 2016

CERTIFICATE OF SERVICE

I hereby certify that the above Notice of Removal was filed through the ECF system and that I have caused a true and correct copy of the Notice of Removal to be served on Plaintiff's counsel: R. Dave DeHerd, Law Office of R. Dave DeHerd, 9B State Street, POB 28, Shelburne Falls MA 01370.

/s/ David J. Santeusanio

David J. Santeusanio

Exhibit A

Commonwealth of Massachusetts

FRANKLIN, ss.

TRIAL COURT DEPARTMENT
FRANKLIN SUPERIOR DIVISION
CIVIL ACTION NO. 1678CV102

Paullette M. Leukhardt,

Plaintiff

v.

Amherst College Corporation and Board of
Trustees,

Defendant

ORIGINAL COMPLAINT

1. The Plaintiff, Paullette M. Leukhardt, is an individual and resides at 230 Main Street, Ashfield, County of Franklin, Massachusetts.
2. The Defendants Amherst College Corporation and Board of Trustees (together referred to as "Amherst College") is a federally funded, private liberal arts college located in Amherst, County of Hampshire, Commonwealth of Massachusetts.
3. Plaintiff is an employee of the Defendant in its Administrative Information Services department f/k/a Database Services.
4. Plaintiff was first hired by Defendant in October 1968.
5. The Defendant hired Plaintiff as a salaried employee the salary calculated at 35 hours per week.
6. As a salaried employee of Defendant, it is not possible for Plaintiff to stop in the middle of meetings, IT projects, or other job processes even though they may extend beyond Plaintiff's allotted 35 hours upon which her salary is based.
7. During the period 1985 – 1990, female employees of the Defendant complained of what appeared to be a gender discriminatory pay structure in that the male non-exempt staff employed in the Defendant's Physical Plant department were being paid for a forty hour work week, while female non-exempt staff were restricted to a thirty-five hour work week.
8. Prior to 1997, the Defendant had its computer related services divided into two departments; The Academic Computer Center which reported to the Dean of Faculty, and the Administrative Computer Center reporting to the Treasurer of the College.

9. During the period 1985 – 1993, The Director of the Academic Computer Center, the Dean of Faculty, changed all employees in that department from 35hr/week salaried employees to 40hr/week salaried employees. The Administrative Computer Center employees remained at 35hr/week salaries. The employees in both departments performed basically the same work.
10. In 1996, both the Academic Computer Center and the Administrative Computer Center were reorganized so both departments began reporting to the Defendant's Dean of Faculty.
11. In 1997, Defendant hired its first Director of Information Technology. The two computer centers then began reporting directly to the Director of Information Technology who reported to the Dean of Faculty.
12. Under the first Director of Information Technology, the two computer centers were divided into four groups. No changes in the existing pay structures occurred during the 1996-1997 period. This resulted in Plaintiff remaining as a 35hr/week salaried employee while her male counter-parts receiving 40hr/week salaries for the same work.
13. Beginning approximately 1999 and continuing through 2013, new employees were hired into the various Information Technology groups, including the Plaintiff's group of "Database Services." The new hires were young males who were all hired as 40hr/week salaried employees.
14. In August 2008, a new person was hired into Plaintiff's department. The new hire was male and under 50 years of age. He was hired as a 40hr/week salaried position.
15. Beginning in 2009 Plaintiff requested her weekly hours be changed from 35 to 40 hours/week. She made this request because of the requirements of her position and the wage discrepancy existing between herself and younger male colleagues at Amherst College who were performing the same work as Plaintiff. Her many requests were denied without justification.
16. During April-June, 2010, Plaintiff's then supervisor requested Plaintiff's hours be increased from 35 to 40 hours/week. This request was made to the Defendant's Director of Information Technology at the time, Peter Schilling. The request was denied.
17. In September 2010, Plaintiff met with the Defendant's Dean of Faculty, Greg Call, and requested she be changed to a 40hr/week salaried employee in light of all other members of her department being hired as 40hr/week salaried employees. Plaintiff explained the actual hours she worked with her fellow employees was always 40-60 hours/week. Plaintiff's request was summarily denied.

18. Less than two months after Plaintiff made her request to Defendant's Dean of Faculty, two new people were hired by the Defendant into Plaintiff's department: Both were male and under 50 years old. Both new employees were hired as 40hr/week salaried positions.
19. Subsequent to Plaintiff making her requests to Greg Call for an increase in hours, the Defendant's Director of Human Resources, Katie Bryne, stated the solution to the wage inequity issue raised by Plaintiff was for her to "work less."
20. During 2008 and 2010, three new employees were hired into the Plaintiff's department. All were male and younger than Plaintiff. All the new hires began as 40hr/week salaried employees.
21. On January 2015, Plaintiff's immediate supervisor made a request to Defendant's CIO, David Hamilton, that Plaintiff's hours be changed from 35 to 40/week. The request was ignored.
22. In 2015, Plaintiff spoke directly with the Defendant's CIO, David Hamilton, she explained her belief the disparate pay structure between herself and her male colleagues and the new hires was discriminatory being based on gender and age. She demanded the issue be retroactively resolved. David Hamilton ignored Plaintiff and otherwise never responded to Plaintiff's demands.
23. In March 2015, Ms. Leukhardt spoke with David Hamilton directly. She very deliberately and repeatedly indicated to David Hamilton the discrimination based on age and gender which was happening to her needed to be fixed immediately. She again specifically explained how she was working at least 40 hours per week alongside and with the younger men in her department. However, the younger men were being paid for 40 hours but she was still at 35 hours. She told Mr. Hamilton she had raised the issue since 2010. She asked why the long delay to fix such an obvious problem.
24. In March 2015, Defendant's CIO, David Hamilton said to Plaintiff, "you don't want to spoil your last years of your employment with the College." He then went on to infer any change the Plaintiff was requesting would necessarily require legal action against Amherst College. David Hamilton has told other employees who worked beyond their allotted hours "you let the College abuse you."
25. More than 90 days passed after Plaintiff's March 2015 meeting with CIO David Hamilton during which no response was made to Plaintiff's requests.
26. Defendant Amherst College discriminated against Plaintiff on the basis of her gender by providing her with less compensation than similarly situated male employees performing the same or similar duties.

27. Defendant Amherst College's discriminatory policies, practices, and procedures are not valid, job related, or justified by business necessity.
28. During the period relevant to this Complaint, Defendant's wrongful actions and failure to act directly caused Plaintiff to lose a significant amount of wages, employer retirement contribution, employer social security contributions, employer Medicare contributions, and a lost rate or return on her retirement benefits.

COUNT 1
(EQUAL PAY ACT VIOLATION)

29. Plaintiff incorporates by reference as if fully stated herein, paragraphs 1-28 of this Complaint.
30. All actions of Defendant Amherst College's employees/agents are imputed to the Defendant in pursuant to the doctrine of *respondent superior*.
31. Defendant Amherst College has engaged in systematic discriminatory treatment of Plaintiff based on her gender.
32. By its actions as described herein, Defendant Amherst College discriminated against Plaintiff through, *inter alia*: (a) disparate treatment; (b) discriminatory policies, practices and procedures in selection, pay, promotion, and advancement in violation of the Equal Pay Act, 29 U.S.C. § 206(d) ("EPA").
33. The differential in pay between male and female employees was not due to seniority, merit, quantity or quality of production, or a factor other than sex, but was due to gender.
34. Defendant Amherst College caused, attempted to cause, contributed to, or caused the continuation of wage rate discrimination based on gender, in violation of the EPA.
35. The Plaintiff has exhausted her administrative remedies and complied with any statutory prerequisites by filing charges with the Equal Employment Opportunity Commission alleging gender discrimination on behalf of herself. Plaintiff has perfected her Right to Sue.
36. The foregoing conduct constitutes a willful violation of the EPA within the meaning of 29 U.S.C. § 255(a).
37. Because Defendant Amherst College willfully violated the EPA, a three-year statute of limitations applies to such violations, pursuant to 29 U.S.C. § 255.

38. As a result of Defendant Amherst College's conduct as alleged in this Complaint, Plaintiff Paullette M. Leukhardt suffered harm, including but not limited to: lost earnings, lost benefits, and other financial loss, as well as humiliation, embarrassment, emotional and physical distress, and mental anguish.
39. By reason of Defendant Amherst College's discrimination, Plaintiff Paullette M. Leukhardt is entitled to all legal and equitable remedies available for violations of the EPA, including liquidated damages for all willful violations, prejudgment interest, attorneys' fees, costs, and other compensation pursuant to 29 U.S.C. §216(b).
40. Attorneys' fees should be awarded under 29 U.S.C. §216(b)

COUNT II
(TITLE VII VIOLATION)

41. Plaintiff incorporates by reference as if fully stated herein, paragraphs 1-40 of this Complaint.
42. Defendant Amherst College's actions and failure to act constitute a violation of Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991 and the Lilly Ledbetter Fair Pay Act of 2009 ("Fair Pay Act"). 42 U.S.C. 2000e, *et. seq.* ("Title VII").
43. This suit is being brought within 90 days of the receipt by Plaintiff of Right to Sue letter issued by the EEOC.
44. Defendant Amherst College has discriminated against Plaintiff Paullette M. Leukhardt by treating her differently from and less preferably than similarly situated male employees and subjecting her to discriminatory pay, discriminatory denials of pay raises, and other differential treatment on the basis of her gender affecting her compensation in violation of Title VII.
45. Defendant Amherst College's policies, practices, and/or procedures have had a disparate impact on Plaintiff Paullette M. Leukhardt with respect to the terms and conditions of her employment.
46. Defendant Amherst College's conduct has been intentional, deliberate, willful, malicious, reckless, and/or conducted in callous disregard of the rights of Plaintiff Paullette M. Leukhardt entitling her to punitive damages.
47. By reason of the continuous nature of Defendant Amherst College's discriminatory conduct, which persisted throughout the employment of the Plaintiff up until July 2016, Plaintiff Paullette M. Leukhardt is entitled to the application of the continuing violations doctrine to all violations alleged herein.

48. As a result of Defendant Amherst College's conduct alleged in this Complaint, the Plaintiff Paullette M. Leukhardt has suffered harm, including but not limited to: lost wages, lost back pay and front pay, lost bonuses, lost benefits, lost interest and attorneys' fees and costs.
49. Plaintiff Paullette M. Leukhardt is entitled to recover such monetary and other damages, punitive damages, interest, and attorneys' fees and costs from Defendants under Title VII.
50. As a further result of Defendant Amherst College's unlawful conduct, Plaintiff Paullette M. Leukhardt suffered *inter alia*, impairment to her name and reputation, humiliation, embarrassment, emotional and physical distress, and mental anguish. Plaintiffs are entitled to recover damages for such injuries from the Defendant Amherst College under Title VII.
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COUNT III
(Violation of G.L. c. 151B)

52. Plaintiff incorporates by reference as if fully stated herein, paragraphs 1-51 of this Complaint.
53. At all times relevant to this Complaint, Plaintiff Paullette M. Leukhardt was over the age of 40.
54. Defendant Amherst College has engaged in systematic discriminatory treatment of Plaintiff based on her Age.
55. By its actions and inactions as described herein, Defendant Amherst College discriminated against Plaintiff through, *inter alia*: (a) disparate treatment; (b) discriminatory policies, practices and procedures in selection, pay, promotion, and advancement in violation of G.L. c. 151B.
56. The differential in pay between younger and older employees was not due to seniority, merit, quantity or quality of production, or a factor other than age, but was due to age.
57. Defendant Amherst College caused, attempted to cause, contributed to, or caused the continuation of wage rate discrimination based on age, in violation of the G.L. c. 151B.

58. As a result of Defendant Amherst College's conduct, the Plaintiff Paullette M. Leukhardt has suffered harm, including but not limited to: lost wages, lost back pay and front pay, lost bonuses, lost benefits, lost interest and attorneys' fees and costs.
59. WHEREFORE, Plaintiff demands judgment enter against Defendant Amherst College in an amount to be determined at trial along with reasonable attorney's fees and cost and any other relief this Courts deems just and necessary.

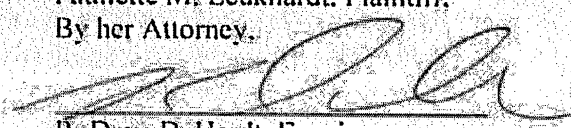
COUNT IV
(29 U.S.C. §§ 623(a) (1), 631(a))

60. Plaintiff incorporates by reference as if fully stated herein, paragraphs 1-59 of this Complaint.
61. Defendant Amherst College has engaged in systematic discriminatory treatment of Plaintiff based on her Age.
62. By its actions and inactions as described herein, Defendant Amherst College discriminated against Plaintiff through, *inter alia*: (a) disparate treatment; (b) discriminatory policies, practices and procedures in selection, pay, promotion, and advancement in violation of 29 U.S.C. §§ 623(a)(1), 631(a).
63. As a result of Defendant Amherst College's conduct, the Plaintiff Paullette M. Leukhardt has suffered harm, including but not limited to: lost wages, lost back pay and front pay, lost bonuses, lost benefits, lost interest and attorneys' fees and costs.
64. WHEREFORE, Plaintiff demands judgment enter against Defendant Amherst College in an amount to be determined at trial along with reasonable attorney's fees and cost and any other relief this Courts deems just and necessary.

JURY DEMAND

Plaintiff demands a trial by jury on all issues triable of right by jury.

Respectfully Submitted,
Paullette M. Leukhardt, Plaintiff.
By her Attorney.


R. Dave DeHerd, Esquire
BBO#558861
9B State Street, PO Box 28
Shelburne Falls, MA 01370
(413) 376-8000

CIVIL ACTION COVER SHEET		DOCKET NUMBER 1678 CV 102	Trial Court of Massachusetts The Superior Court	
PLAINTIFF(S): <u>Paullette M. Leukhardt</u>		COUNTY <u>FRANKLIN</u>		
ADDRESS: <u>230 Main Street</u> <u>Ashfield, MA 01330</u>		DEFENDANT(S): <u>Amherst College Corporation and Board of Trustees</u>		
ATTORNEY: <u>R. DAVE DEHERDT</u>		ADDRESS: <u>Board of Trustees, 104 Converse Hall</u> <u>Amherst, MA 01002</u>		
ADDRESS: <u>POB 28</u> <u>SHELBURNE FALLS, MA 01370</u>				
BBO: <u>558861</u>				
TYPE OF ACTION AND TRACK DESIGNATION (see reverse side)				
CODE NO. <u>B22</u>	TYPE OF ACTION (specify) <u>Employment Discrimination</u>	TRACK <u>F</u>	HAS A JURY CLAIM BEEN MADE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
*If "Other" please describe: <u>(EPA, Title VII, GL 151B)</u>				
STATEMENT OF DAMAGES PURSUANT TO G.L. c. 212, § 3A				
The following is a full, itemized and detailed statement of the facts on which the undersigned plaintiff or plaintiff counsel relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages only.				
TORT CLAIMS (attach additional sheets as necessary)				
A. Documented medical expenses to date:				
1. Total hospital expenses		\$		
2. Total doctor expenses		\$		
3. Total chiropractic expenses		\$		
4. Total physical therapy expenses		\$		
5. Total other expenses (describe below)		\$		
			Subtotal (A):	\$
B. Documented lost wages and compensation to date				
				\$ <u>105,209</u>
C. Documented property damages to date				
				\$
D. Reasonably anticipated future medical and hospital expenses				
				\$
E. Reasonably anticipated lost wages				
				\$
F. Other documented items of damages (describe below)				
				\$
G. Briefly describe plaintiff's injury, including the nature and extent of injury:				
Due to discriminatory acts of Defendant, Plaintiff suffered lost wages, lost back pay, lost bonuses, lost benefits, lost interest, incurred attorney's fees and costs.			TOTAL (A-F):	\$ <u>105,209.00</u>
CONTRACT CLAIMS (attach additional sheets as necessary)				
Provide a detailed description of claim(s):				
			TOTAL:	\$
Signature of Attorney/Pro Se Plaintiff: X		Date: <u>09/26/16</u>		
RELATED ACTIONS: Please provide the case number, case name, and county of any related actions pending in the Superior Court.				
CERTIFICATION PURSUANT TO SJC RULE 1:18				
I hereby certify that I have complied with requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods of dispute resolution.				
Signature of Attorney of Record: X		Date: <u>09/26/16</u>		

Exhibit B

RECEIVED DEC 13 2016

Commonwealth of Massachusetts

FRANKLIN, ss.

TRIAL COURT OF THE COMMONWEALTH
SUPERIOR COURT DEPARTMENT
CIVIL DOCKET NO. 1678CV102Paullette A. Leulcha, et al. PLAINTIFF(S),A TRUE AND
ATTESTED COPY
Mark Munkin
DEPUTY SHERIFF

DEC 13 2016

v. Board of Trustees
Amherst College Corp. DEFENDANT(S)

SUMMONS

THIS SUMMONS IS DIRECTED TO Board of Trustees, Amherst College Corporation (Defendant's Name)

You are being sued. The Plaintiff(s) named above has started a lawsuit against you. A copy of the Plaintiff's Complaint filed against you is attached to this summons and the original complaint has been filed in the Franklin Superior Court. **YOU MUST ACT PROMPTLY TO PROTECT YOUR RIGHTS.**

1. You must respond to this lawsuit in writing within 20 days. If you do not respond, the court may decide the case against you and award the Plaintiff everything asked for in the complaint. You will also lose the opportunity to tell your side of the story. You must respond to this lawsuit in writing even if you expect to resolve this matter with the Plaintiff. If you need more time to respond, you may request an extension of time in writing from the court.
2. How to Respond. To respond to this lawsuit, you must file a written response with the court and mail a copy to the Plaintiff's Attorney (or the Plaintiff, if unrepresented). You can do this by:
 - a. Filing your signed original response with the Clerk's Office for Civil Business, Franklin Superior Court, 101 Munson Street, Greenfield, MA 01301 (address), by mail or in person, AND
 - b. Delivering or mailing a copy of your response to the Plaintiff's Attorney/Plaintiff at the following address:
R. Dave Deland, 98 STATE ST., POB 28, SHELLHORN FALLS, MA 01372
3. What to include in your response. An "Answer" is one type of response to a Complaint. Your Answer must state whether you agree or disagree with the fact(s) alleged in each paragraph of the Complaint. Some defenses, called affirmative defenses, must be stated in your Answer or you may lose your right to use them in court. If you have any claims against the Plaintiff (referred to as counterclaims) that are based on the same facts or transaction described in the Complaint, then you must include those claims in your Answer. Otherwise, you may lose your right to sue the Plaintiff about anything related to this lawsuit. If you want to have your case heard by a jury, you must specifically request a jury trial in your Answer or in a written demand for a jury trial that you must send to the other side and file with the court no more than 10 days after sending your Answer. You can also respond to a Complaint by filing a "Motion to Dismiss," if you believe that the complaint is legally invalid or legally insufficient. A Motion to Dismiss must be based on one of the legal deficiencies or reasons listed under Mass. R. Civ. P. 12. If you are filing a Motion to Dismiss, you must also comply with the filing procedures for "Civil Motions" described in the rules of the Court in which the complaint was filed, available at www.mass.gov/courts/case-legal-res/rules of court.
4. Legal Assistance. You may wish to get legal help from a lawyer. If you cannot get legal help, some basic information for people who represent themselves is available at www.mass.gov/courts/selfhelp.
5. Required Information on all filings: The "civil docket number" appearing at the top of this notice is the case number assigned to this case and must appear on the front of your Answer or Motion to Dismiss. You should refer to yourself as the "Defendant."

Witness Hon. Judith Fabricant, Chief Justice on Dec 15, 2016. (SEAL)Susan K. Emond
Clerk of CourtsSusan K. Emond

Note: The number assigned to the Complaint by the Clerk-Magistrate at the beginning of the lawsuit should be indicated on the summons before it is served on the Defendant.

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

PAULLETTE M. LEUKHARDT

(b) County of Residence of First Listed Plaintiff Franklin County

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

R. Dave DeHerd

Law Office of R. Dave DeHerd, 9B State Street, POB 28, Shelburne Falls MA 01370, 413-376-8000.

DEFENDANTSAMHERST COLLEGE CORPORATION AND BOARD OF TRUSTEES
[NOTE: Defendant's correct legal name is Trustees of Amherst College.]County of Residence of First Listed Defendant Hampshire County

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

David J. Santeusano and Katrina N. Chapman
Holland & Knight LLP, 10 St. James Avenue, Boston, MA 02116, 617-523-2700.**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)☐ 1 U.S. Government Plaintiff☒ 3 Federal Question
(U.S. Government Not a Party)☐ 2 U.S. Government Defendant☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

V. ORIGIN (Place an "X" in One Box Only)

<input type="checkbox"/> 1 Original Proceeding	<input checked="" type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from Another District (specify)	<input type="checkbox"/> 6 Multidistrict Litigation - Transfer	<input type="checkbox"/> 8 Multidistrict Litigation - Direct File
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VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
 Equal Pay Act, 29 U.S.C. § 206 (d); Title VII of the Civil Rights Act of 1964; 29 U.S.C. § 623(a)(1) and 631(a).
 Brief description of cause:
 Employment Discrimination

VII. REQUESTED IN COMPLAINT:
☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

 DEMAND \$
 105,209.00

 CHECK YES only if demanded in complaint:
 JURY DEMAND: ☒ Yes ☐ No
VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE
12/30/2016SIGNATURE OF ATTORNEY OF RECORD
David J. Santeusano

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; NOTE: federal question actions take precedence over diversity cases.)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation - Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation - Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
- Date and Attorney Signature.** Date and sign the civil cover sheet.

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

1. Title of case (name of first party on each side only) PAULLETTE M. LEUKHARDT v. AMHERST COLLEGE CORPORATION AND BOARD OF TRUSTEES
[NOTE: Defendant's correct legal name is Trustees of Amherst College.]

2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).

- ☐ I. 410, 441, 470, 535, 830*, 891, 893, 895, R.23, REGARDLESS OF NATURE OF SUIT.
- ☒ II. 110, 130, 140, 160, 190, 196, 230, 240, 290, 320, 362, 370, 371, 380, 430, 440, 442, 443, 445, 446, 448, 710, 720, 740, 790, 820*, 840*, 850, 870, 871.
- ☐ III. 120, 150, 151, 152, 153, 195, 210, 220, 245, 310, 315, 330, 340, 345, 350, 355, 360, 365, 367, 368, 375, 376, 385, 400, 422, 423, 450, 460, 462, 463, 465, 480, 490, 510, 530, 540, 550, 555, 625, 690, 751, 791, 861-865, 890, 896, 899, 950.

*Also complete AO 120 or AO 121. for patent, trademark or copyright cases.

3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.

4. Has a prior action between the same parties and based on the same claim ever been filed in this court?

YES ☐ NO ☒

5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)

YES ☐ NO ☒

If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?

YES ☐ NO ☐

6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?

YES ☐ NO ☒

7. Do all of the parties in this action, excluding governmental agencies of the United States and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).

YES ☒ NO ☐

- A. If yes, in which division do all of the non-governmental parties reside?

Eastern Division ☐ Central Division ☐ Western Division ☒

- B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?

Eastern Division ☐ Central Division ☐ Western Division ☐

8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)

YES ☐ NO ☒

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME David J. Santeusano

ADDRESS Holland & Knight LLP, 10 St. James Avenue, Boston, MA 02116

TELEPHONE NO. 617-523-2700